

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
GREGORY J. GORE
70 WEST OAKLAND AVENUE
SUITE 316
DOYLESTWN, PA 18901

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

29 OCT 2004

Applicant's or agent's file reference

92

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/04200

13 February 2003 (13.02.2003)

12 March 2002 (12.03.2002)

Applicant

PEM MANAGEMENT, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Form PCT/IPEA/416 (July 1992)

Authorized officer

for Leslie A Braun

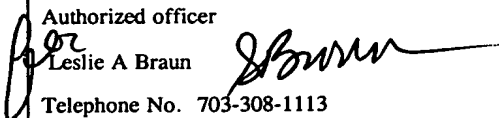
Telephone No. 703-308-1113

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 92	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/04200	International filing date (day/month/year) 13 February 2003 (13.02.2003)	Priority date (day/month/year) 12 March 2002 (12.03.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): E21F017/02; E21F003/00 and US Cl.: 248/60		
Applicant PEM MANAGEMENT, INC.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 09 April 2003 (09.04.2003)	Date of completion of this report 14 September 2004 (14.09.2004)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Leslie A Braun Telephone No. 703-308-1113	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/US03/04200

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed.☒ the description:

pages 1-9 _____ as originally filed

pages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____.☒ the claims:pages NONE _____, as originally filedpages NONE _____, as amended (together with any statement) under Article 19pages NONE _____, filed with the demandpages 10-12 _____, filed with the letter of 21 June 2004 (21.06.2004) _____.☒ the drawings:

pages 1-4 _____, as originally filed

pages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____.☐ the sequence listing part of the description:pages NONE _____, as originally filedpages NONE _____, filed with the demandpages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages NONE☐ the claims, Nos. NONE☐ the drawings, sheets/fig NONE5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/US03/04200**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>3-9, 11-16</u>	YES
	Claims <u>1, 2, 10</u>	NO
Inventive Step (IS)	Claims <u>3-5, 7-9, 11-16</u>	YES
	Claims <u>1, 2, 6, 10</u>	NO
Industrial Applicability (IA)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1, 2, and 10 lack novelty under PCT Article 33(2) as being anticipated by Austin. Austin teaches a device comprising a substantially rectangular base (16), a hook portion (13), and a single laterally extending notch (30). The base has a planar bottom surface and further includes a panel attachment means (15) located on opposing front and rear side surfaces thereof. The hook portion extends upwardly from the base. The hook portion includes an upper and lower jaws forming a substantially circular C-shaped hook with a frontal opening (defined between 28 and 26) of substantially less than 180 degrees measured from an axis of the hook. The opening is located between the spaced ends (28, 26) of the jaw. The notch is located on the inside surface of the upper jaw proximate the frontal opening. The jaws have a continuous arcuate inside surface except for the notch. A spring biased catch (9) covers the frontal opening of the fastener to positively retain items to be held within the hook.

Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over Austin in view of Strange. Austin teaches the limitations of the base claim, excluding an insert. Strange teaches an insert (12) mounted within the device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the hook of Austin to have incorporated the insert as taught by Strange for the purpose of providing an additional supporting element for the item to be held therein.

Claims 1-16 meet the criteria set out in PCT Article 33(4), and thus the self-cinching fastener industrial applicability because the subject matter claimed can be made or used in the wiring or fiber industry.

----- NEW CITATIONS -----

US 3,995,742 A (AUSTIN et al) 07 December 1976, see entire document.

US 5,446,989 A (STRANGE et al) 05 September 1995, see entire document.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 4, 6-15 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims are indefinite for the following reason(s): In claim 4, line 19, "the cold flow"; claim 6, line 24, "th e fastener" and "th e lateral opening"; claim 10, line 9, " the fastener"; and claim 11, line 11, "said insert" lack proper antecedent basis.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Section I. Basis of the report, Item 5

The amendment of the description/claim filed 21 June 2004 is objected to under PCT Article 34(2)(b) because it adds matter into the application that goes beyond the disclosure as originally filed. The added matter which is new is as follows: ... a frontal opening "of substantially less than 180 degrees measured from an axis of the hook" found in claim 1, lines 9 and 10.

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REPLACED L.

ART 34 AMDT

CLAIMS

- 1
- 2 1. A cable hook having self-clinching attachment means, comprising
- 3 a substantially rectangular base having a planar bottom surface and
- 4 further including panel attachment means located on opposing front and rear side
- 5 surfaces thereof;
- 6 a hook portion extending upwardly from said base, said hook portion
- 7 including upper and lower jaws forming a substantially C-shaped hook with a frontal
- 8 opening located between spaced ends of said jaws; and
- 9 a single laterally extending notch on the inside surface of said upper jaw
- 10 proximate said frontal opening.
- 11 2. The device of claim 1 wherein said jaws have a continuous arcuate
- 12 inside surface except for said notch.
- 13 3. The device of claim 2 wherein said base further includes orientation
- 14 marks on the bottom planar surface thereof proximate only one of said front or rear
- 15 sides.
- 16 4. The device of claim 3 wherein said panel attachment means are
- 17 deformer undercut grooves for receiving the cold flow of metal from a panel attached
- 18 thereby.
- 19 5. The device of claim 4 wherein said C-shaped hook has a lateral opening
- 20 that is substantially circular.
- 21 6. The device of claim 4 further including an insert which encompasses the

1 inside surface of the jaws and partially encompasses the lateral sides of the fastener
2 adjacent the lateral opening.

3 7. The device of claim 6 wherein the insert covers the edges of the jaws.

4 8. The device of claim 7 wherein said insert further includes a pivotable
5 flap that lies across the frontal opening to positively retain items held within the hook.

6 9. The device of claim 8 wherein the flap is unitary with said insert and
7 resiliently biased toward a closed position.

8 10. The device of claim 1 further including a spring-biased catch which
9 covers the frontal opening of the fastener to positively retain items held within the
10 hook.

11 11. The device of claim 10 wherein said insert includes two opposing ears
12 which have inward-facing dimples that engage cooperating recesses on opposite sides
13 of the lower jaw to provide a pivot for said catch.

14 12. The device of claim 11 wherein said insert includes a tail portion which
15 is free to slide against the inside surface of the lower jaw to provide a spring force to
16 close said catch.

17 13. The device of claim 12 wherein said insert is composed of metal.

18 14. The device of claim 12 wherein said insert is composed of an
19 electrically non-conductive thermoplastic.

20 15. The device of claim 6 further described in that said insert is a
21 continuous cylinder covering said frontal opening.